



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
C.R.P. (PD) (MD) .No.2099 of 2018

Subramanian

... Petitioner/Plaintiff

Vs.

1.P.Kalaiarasi
2.K.Elumalai
3.K.Perumal
4.K.Subramanian
5.Palaniandi

... Respondents/Defendants

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the Principal Subordinate Judge, Pudukottai to number the unnumbered O.S.No.-- of 2017 and to decide the same on merits and in accordance with law within a time frame as fixed by this Court.

For petitioner : Mr.K.Kevin Karan

ORDER

The revision petitioner filed the plaint bearing A.No.1233 of 2017 before the learned Sub Judge, Pudukkottai, seeking the relief of partition. It was returned unnumbered. Hence, this Civil Revision Petition has been filed.

2.This Court is of the view that the Court below can very well number the plaint if it is otherwise in order. The return made by the Court below can as well be raised, as a defame by defendants, after they enter appearance later. The Court below need not decline to number the plaint on this ground.

3.This Court directs the Court below to number the plaint in question, if it is otherwise in order. Accordingly, this Civil Revision Petition is allowed. No costs.

4.Registry shall return the original plaint to the revision petitioner for re-presentation before the Court below.

Sd/

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar(CS-I)



To:

1. The Sub Judge,
Pudukkottai.
2. The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1cc to Mr.K.KEVIN KARAN, Advocate, SR.No.86983

C.R.P. (PD) (MD) .No.2099 of 2018
25.09.2018

PNN
KK/RP/SAR-1/24.10.2018/2P-5C